OFFICE OF ACQUISITION



TSA MANAGEMENT DIRECTIVE No. 300.9 CERTIFICATION AND APPOINTMENT OF CONTRACTING OFFICER'S REPRESENTATIVES

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 300.9, *Appointment and Training of Contracting Officer's Technical Representatives*, dated April 3, 2006.

SUMMARY OF CHANGES: Section 3, Authorities; revised references; Section 4, Definitions; revised definition; Section 5, Responsibilities, added clarifying language; Section 6, Policy, clarified COR authority; Section 7, Procedures, clarified COR assignments.

- **1. PURPOSE:** This directive establishes the TSA policy for certifying and appointing CORs.
- **2. SCOPE:** This directive applies to all prospective CORs that will be appointed to monitor contractor performance in accordance with a specified contractual agreement.

3. AUTHORITIES:

- A. Clinger-Cohen Act of 1996, 40 USC Sections 1401 to 1503
- B. Federal Acquisition Regulation (FAR), Sections 1.602 and 1.604
- C. Homeland Security Acquisition Manual (HSAM), Section 3042.270
- D. <u>DHS Acquisition Workforce Policy Number 064-04-003</u>, Revision 2, Federal Acquisition Certification For Contracting Officer's Representatives and Appointment & Revocation
- E. DHS COR Core Essential Element Guidebook, September 2015
- F. Office of Management and Budget (OMB) Policy Memorandum "Revisions to the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)", dated September 6, 2011

4. **DEFINITIONS**:

- A. <u>Acquisition Workforce Manager (AWM)</u>: The principal manager in strategic planning and direction of the DHS acquisition workforce and principal advisor on formulation of plans for overall management policies and programs relating to workforce effectiveness, organization, personnel, budgeting, reporting, forecasting and competency preparation.
- B. <u>Appointment:</u> The official designation by a Contracting Officer of an individual to serve as a COR for a contractual action and to monitor contractor performance.

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- C. <u>Alternate COR (ACOR):</u> A Federal employee, designated in writing by the CO, to act in the absence of or in addition to the primary COR.
- D. <u>Chief Procurement Officer (CPO)</u>: DHS Senior Procurement Executive, responsible for managing, administering, and overseeing Department-wide acquisition, financial assistance, strategic sourcing, and competitive sourcing programs.
- E. <u>Contracting Officer (CO)</u>: A federal employee with the authority to enter into, administer or terminate contracts; make related determinations and findings; and appoint CORs.
- F. <u>Contracting Officer's Representative (COR)</u>: A Federal employee, designated in writing by the CO, who is appointed to perform technical functions under the contract, including inspection and acceptance of supplies and services and monitor contractor performance.
- G. <u>COR Certification</u>: A formal process through which the DHS certifies individuals as meeting the standards and achieving the competencies required to perform the duties of a COR.
- H. <u>COR Certification File</u>: A file maintained by the Head of the Contracting Agency (or designee), containing the certification application, a copy of the certificate, exceptions and the skill currency training information of the COR.
- I. <u>Head of Contracting Activity (HCA)</u>: A Federal employee who, by position or appointment is responsible for managing the entire Acquisition function within an Organizational Element. For TSA, the HCA is the Assistant Administrator for Acquisition.
- J. <u>Technical Monitor (TM)</u>: An individual that meets all DHS COR training and certification requirements responsible for monitoring technical performance of specific tasks within a contract and reporting to the primary COR.

5. RESPONSIBILITIES:

- A. The Office of Acquisition's Acquisition Support Division (ASD) is responsible for:
 - (1) Managing and verifying COR, ACOR and TM certification currency via the online application process in the Federal Acquisition Institute Training Application System (FAITAS);
 - (2) Reviewing employee applications for certification after approval by the employee's supervisor;
 - (3) Forwarding COR certification applications via FAITAS to the DHS ACM if all certification criteria have been met;
 - (4) Providing guidance to the TSA COR community regarding the DHS COR certification;
 - (5) Reviewing and processing automated COR nomination packages;
 - (6) Updating and maintaining TSA database records with certification information for TSA CORs;
 - (7) Serving as the executive authority responsible for TSA COR career development

certification; and

(8) Maintaining the TSA automated COR nomination and appointment system.

B. COs are responsible for:

- (1) Appointing properly qualified and certified CORs, ACORs and TMs, in accordance with FAR 1.602 (via DHS HSAM, Appendix W) to all contracts and orders (including each option exercise);
- (2) Determining on a case-by-case basis, taking into account the scope and complexity of the procurement, whether a COR appointment is or is not warranted on firm-fixed price contracts or orders below the Simplified Acquisition Threshold (SAT) (i.e. simple delivery/purchase orders may not require a COR appointment which is at the CO's discretion);
- (3) Appointing a COR to each Other Transaction Agreement (OTA) greater than the SAT;
- (4) Terminating appointments in writing when they are no longer valid or required or for a COR's failure to appropriately fulfill the responsibilities outlined in the COR appointment letter;
- (5) Maintaining COR appointments and terminations in the official contract file.

C. CORs are responsible for:

- (1) Performing duties in accordance with the responsibilities delineated in the DHS COR appointment (HSAM, Appendix W) letter received from the CO; and
- (2) Completing the required training for COR certification, maintaining training records and documentation, and maintaining COR certification through continuous learning requirements, in accordance with Policy Memorandum "Revisions to the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)", dated September 6, 2011.

D. COR Supervisors are responsible for:

- (1) Identifying a qualified individual to serve as COR;
- (2) Ensuring that the COR, or the prospective COR, has the opportunity to obtain technical and other training required to become certified and maintain certification; and
- (3) Ensuring that the COR's workload is balanced to enable him or her to have adequate time and resources to perform all of the delegated duties, including the delegated duties in the COR's evaluation standards.

E. TMs are responsible for:

(1) Monitoring technical performance of specific tasks within a contract and reports such to the COR.

6. POLICY:

- A. CORs must become certified and maintain certification in accordance with the requirements of DHS Acquisition Workforce Policy Number: 064-04-003, the Federal Acquisition Certification For Contracting Officer's Representatives Appointment and Revocation and the Office of Management and Budget (OMB) Policy Memorandum "Revisions to the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)", September 6, 2011.
- B. The COR appointment is unique to an individual and may not be further delegated. An ACOR may be nominated by the requisitioning office/requiring activity or program office and then appointed by the CO to act in the absence of, or in support of, the primary COR. This policy pertains equally to the certification and appointment of alternate CORs and TMs. Both the primary and alternate appointments must be retained in the official contract file and recorded in FAITAS
- C. COR certification and appointment will be conducted in accordance with the procedures in this directive. This will provide TSA CORs a consistent and repeatable process for adhering to the certification and appointment requirements established by DHS.

7. PROCEDURES:

A. COR Nomination and Appointment:

(1) Nomination of a COR:

- As part of the procurement request, the requisitioning office nominates a certified COR who has the training and experience to perform specific contract technical support functions.
- b. Properly certified CORs will initiate a COR Nomination via <u>TSA's automated</u> nomination and appointment system. The COR completes the automated TSA Form 306A (COR Nomination) and initiates the workflow. The form will be endorsed by and signed by the COR, COR Supervisor, Program Manager, if applicable, the ASD and approved by the CO. Upon final approval by the CO, the nomination will be stored in the TSA automated nomination and appointment repository and can be accessed by the COR, the CO and the ASD.
- c. The CO has the authority to decline COR nominations if the prospective COR does meet the requirements of this MD, if there has been a history of actions where the prospective COR was terminated under a previous COR appointment based on his/her failure to appropriately fulfill COR responsibilities or if the CO determines the COR is already assigned to other contracts that may not allow the COR sufficient time to properly monitor contract performance and requirements. If the CO declines the COR nomination, then a new properly certified COR will be nominated.

(2) Appointment of a COR:

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- a. Upon contract award, the CO will initiate the automated COR appointment and start the workflow, via the TSA automated COR nomination and appointment system. The appointment form will be signed by the COR and approved by the CO. When the COR completes the automated appointment form, the COR will be required to verify that they have completed the OGE 450, Confidential Financial Disclosure Report, and that there are no significant changes to the OGE 450 information since the last submission. Upon automated completion of appointment, the CO, CS, COR, and COR supervisor will automatically be notified of the appointment. COR appointment must be completed within five (5) working days of contract award. Upon final approval by the CO, the nomination will be stored in the TSA automated nomination and appointment repository and can be accessed by the COR, the CO and the ASD.
- b. This automated process will generate a unique electronic appointment for each COR which sets forth the COR's authorities and limitations with regard to the assigned contract. The COR appointment letter (DHS HSAM, Appendix W) delineates the CORs scope of authority when appointed to a contract.
- (3) The same procedure will be followed for COR reassignments.
- **8. APPROVAL AND EFFECTIVE DATE:** This policy is effective immediately upon signature.

Signed Latetia Henderson Assistant Administrator for Acquisition EFFECTIVE May 17, 2016 Date

Distribution: All TSA Offices

APPROVAL

Date

Point-of-Contact: Acquisition Support Division (ASD), <u>COR@tsa.dhs.gov</u>